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1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/MC.III/SR.1
28 April 1995
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MAIN COMMITTEE III

SUMMARY RECORD OF THE 1st MEETING

Held at United Nations Headquarters, New York,
on Thursday, 20 April 1995, at 10 a.m.

Chairman: Mr. RAMAKER (Netherlands)

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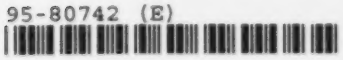
95-80742 (E)



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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that under the terms of reference worked out by the Preparatory Committee and adopted by the Conference, the primary task of Main Committee III was to review the operation of the Treaty relating to the peaceful applications of nuclear energy. The items allocated to the Committee were outlined in annex V to document NPT/CONF.1995/1. Agenda item 17 would be considered by Main Committee II as well. Because of the links between international cooperation in the nuclear field and non-proliferation assurances through safeguards, the officers of Main Committees II and III would maintain close contacts in order to avoid any duplication of work and in order to make the most efficient use of the time allotted.

2. Document NPT/CONF.1995/MC.III/CRP.1 contained an indicative timetable, which should be viewed as a flexible guideline for the Committee's work. The President of the Conference had asked the Chairmen of the Main Committees to complete their review by the end of the third week. To that end, delegations would need to submit written contributions or documents as early as possible. The Drafting Committee of the Conference would start its work on Friday, 28 April, at the same time as Main Committee III was drafting its formulations. At that juncture, Main Committee III would need to consider how best to contribute to the work of the drafting committee.

3. Although the report on the work of Main Committee III during the 1990 Review Conference (NPT/CONF.1990/45/II) had not been finally adopted, it contained much agreed language that could be useful. The papers prepared by the International Atomic Energy Agency (IAEA) on articles IV and V (NPT/CONF.1995/8 and NPT/CONF.1995/9, respectively) were of relevance to the Committee's work. They had been supplemented by the statement of the Director-General of IAEA at the opening meeting of the Conference, and by parts of the IAEA paper on safeguards (especially NPT/CONF.1995/7/Part I). The views of the Group of Non-Aligned and Other States on peaceful uses of nuclear energy were set forth in document NPT/CONF.1995/14.

GENERAL EXCHANGE OF VIEWS

4. Mr. HOFFMANN (Germany) said that the solution of the energy problem was the key to the realization of sustainable development world wide. If nuclear energy was to play a significant role in that concept, the development of the technical basis, safety of nuclear installations, physical security of radioactive and fissile materials, and non-proliferation must be assured. Germany had a pivotal interest and played a prominent role in international cooperation in the peaceful uses of nuclear energy, as demonstrated by its contributions to the IAEA Technical Assistance and Cooperation Fund. Since the previous Review Conference, Germany had contributed annually about 9 per cent of the resources, a contribution amounting to $5,550,000 in 1995. In addition, Germany implemented substantive bilateral cooperation programmes through research institutions and industry.

5. Germany attached the greatest importance to the application of the highest standards for nuclear safety nationally and internationally. It was the leading donor in connection with the improvement of nuclear safety of facilities in the countries of Central and Eastern Europe and in the former Soviet Union. On the basis of a German initiative, the Nuclear Safety Convention had been concluded in 1994. It represented a significant first step for an international nuclear safety regime that would encompass all types of nuclear activities. Germany called on all States to ratify it as soon as possible.

6. In recent years, the problem of illicit trafficking in radioactive and fissile material has grown worse. That development pointed to the pivotal importance of an effective system of physical protection and reliable national systems of accountancy and control as a crucial element of international safeguards. Safeguards should become a universal principle, applicable to both nuclear- and non-nuclear weapon States. Germany therefore welcomed the announcement that the United States would submit a huge amount of fissile material formerly used for weapons purposes to IAEA safeguards - an example that should be followed by other nuclear-weapon States. In that connection, he recalled the proposal by the German Minister for Foreign Affairs, Mr. Kinkel, to establish an international plutonium regime, under which safeguards would be applied to all non-military separated plutonium and highly enriched uranium which had not been subject to international monitoring. That proposal had been explicitly supported by the European Council. The problems raised by nuclear trafficking should be solved bilaterally and multilaterally. Germany and the Russian Federation had agreed to intensify bilateral cooperation, and the States members of the European Union had agreed to offer assistance, inter alia, in establishing and improving national systems of accountancy and control in countries in need. Germany and its European partners supported IAEA efforts in that area.

7. In contributing to the fullest possible international exchange with regard to the peaceful uses of nuclear energy, Germany, as a major exporting country, was under the obligation to prevent its nuclear transfers and exports from being misused for non-peaceful purposes. Together with other supplier countries, first in the Zangger Committee and later in the Nuclear Suppliers Group, it had tried to establish the necessary international framework for international cooperation and the transfer of technology and material, including transfers to developing countries. The principle of full-scope safeguards as a condition for the supply of material gave a clear preference to international cooperation with States parties to the NPT and equivalent undertakings. Export licensing and controls were in full conformity with the NPT and were indeed an indispensable element in its implementation. All States parties to the NPT that were in a position to transfer nuclear material, equipment and technology were under an obligation to set up reliable systems of export controls. In that context, Germany welcomed the fact that Argentina and South Africa had joined the Nuclear Suppliers Group, and hoped that other countries would declare their readiness to apply its guidelines. It expected that the contribution of export controls to the viability of the international non-proliferation system would be fully reflected in the final document of the Conference.

8. Mr. MIŠÁK (Slovakia) said that the Slovak Republic had succeeded the former Czech and Slovak Federal Republic in respect of all its international rights and

obligations, including instruments of international law in the field of peaceful uses of nuclear energy. In addition, Slovakia had ratified the Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol, as well as the Nuclear Safety Convention.

9. In the Slovak Republic, nuclear energy was used exclusively for peaceful purposes. Since domestic primary sources of energy covered only 14 per cent of energy consumption, nuclear energy played an inevitable role in the national economy. That had been recognized in long-term plans for the energy sector. In 1994, nearly 50 per cent of the electricity generated in Slovakia had come from nuclear sources. Nuclear energy was also used, although to a smaller degree, in health care, scientific research and industry.

10. The Slovak Republic had entered into a number of intergovernmental agreements dealing with the exchange of information and the transfer of nuclear technology, materials and equipment for scientific, research and energy generation purposes. In all cases, those agreements were in strict compliance with the provisions of the Treaty on the Non-proliferation of Nuclear Weapons and of the agreements between the Slovak Republic and IAEA, as well as with other international obligations and recommendations. In recent intergovernmental agreements in the field of the peaceful uses of nuclear energy, the Slovak Republic also strictly followed international practices. Cooperation with IAEA, of whose Board of Governors it was a member, had an important place in the international activities of the Slovak Republic. Technical assistance and cooperation had been particularly successful. At present, Slovakia was taking an active part in 6 national and 11 regional projects and was successfully developing bilateral and multilateral cooperation with countries in the Group of 24 and with other countries. All nuclear projects in the Slovak Republic had a significant international character. Mention should also be made of the valuable cooperation, particularly in matters relating to nuclear safety, with the industrialized countries, which provided Slovakia with technical support, engineering services and nuclear components.

11. Slovakia's assessment of the implementation of article IV of the Treaty and its promotion of international cooperation in the peaceful uses of nuclear energy was positive. It also believed that nothing in the Treaty should be interpreted as affecting the right of the parties to develop research, production and use of nuclear energy or to participate in the fullest exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

12. Mr. STOIBER (United States of America) said he hoped that, with the cooperation of all delegations, the Committee's deliberations on the peaceful uses of nuclear energy would have a constructive outcome and would result in a report reflecting a consensus among delegations as to how the articles of the Treaty under review could be implemented more effectively. The Committee's work could make an important contribution towards promoting the interest of all nations in using nuclear technology to advance their economic and social development, while at the same time assuring global peace and security. It should be remembered that, at the 1990 Review Conference, Main Committee III had been able to achieve such a result, notwithstanding the inability of the Conference to approve a final document incorporating the results of the

Committee's work. Having said that, it was important not to produce an extensive report but, rather, not to lose sight of the primary goal of the Conference, which was the extension of the Treaty. In that connection, whatever conclusion was reached should reflect the consensus approach adopted at previous Review Conferences. Achieving consensus was a difficult task which required good will and flexibility on the part of all concerned. Since it was recognized that all national interests must be accommodated, the best approach would be to prepare a relatively brief report recording the main lines of consensus with regard to the peaceful uses provisions of the Treaty, as well as guidelines designed to make them more effective in the future.

13. The use of nuclear energy for peaceful purposes was a central element of the Treaty which had not always received all the attention it deserved. The current deliberations would serve to strengthen the effectiveness of three key elements of article IV, namely, the reaffirmation of the basic right of each nation to develop nuclear energy for peaceful purposes in accordance with the commitments made under the Treaty; an undertaking by each party to facilitate "the fullest possible exchange" of technology to develop nuclear energy for peaceful purposes; and an undertaking to cooperate with other parties and international organizations in contributing to the further development of nuclear technology, with due consideration for the needs of the developing areas of the world.

14. It was important to recognize the vital link between the commitment to peaceful nuclear development and the non-proliferation provisions of the Treaty. Without an effective non-proliferation system, the United States and most other countries which had highly developed nuclear programmes would not be willing to cooperate in the exchange of technology or materials which could pose a risk that other countries and regions might acquire a nuclear explosive capability. Article IV established the right to develop nuclear energy for peaceful purposes "without discrimination", a term which would undoubtedly give rise to an extensive debate. In his view, the term meant that States which made binding commitments with regard to non-proliferation under the Treaty and which provided convincing evidence that they were abiding by those commitments should be able to choose their own path of peaceful nuclear development, regardless of their level of economic development, political structure or political relationships.

15. With regard to the undertaking to facilitate "the fullest possible exchange", his delegation believed that it had been in strict compliance with article IV and it could present an extensive and detailed record of the cooperation and facilitation activities it had supported during the past quarter of a century, as indicated in the fact sheet which it had distributed to delegations. For many years, the United States had implemented a preferential policy in its nuclear commerce and cooperation with parties to the Treaty, a policy which was consistent with the purposes of the Treaty. However, in analysing that element, it was important to understand what it did not mean. It did not mean that every party was bound to undertake any kind of cooperation in the peaceful uses of nuclear energy with any other party at that party's demand, but that the parties could choose what activities of other nations they wished to support and which they did not. In practice, the parties would make their own choices about the development of nuclear energy, including their choice of fuel cycle. Those choices must be respected, but article IV did not require any

nation to support them actively unless it chose to do so. Moreover, article IV was not, and had not been intended to be, an "assistance" or "resource transfer" provision. Nations which chose to develop nuclear energy for peaceful purposes should do so on the basis of sound economic, technical and non-proliferation grounds. In that connection, it was significant to note that the largest volume of technology transfer in the nuclear area was conducted not by States but by private commercial entities - suppliers of equipment, architectural and engineering firms, consultants, producers of materials and others. The use of the term "facilitate" in article IV did not suggest that those commercial arrangements should be replaced by Government financing or support. Those parties which decided to enter the field must be prepared to bear the very large financial burden of those capital-intensive projects. Article IV did not alter the economic or commercial realities of nuclear power.

16. His delegation, which intended to make some recommendations regarding the future work of IAEA, hoped that the Committee would give due recognition to the assistance provided by the Agency in the transfer of peaceful nuclear technology. For many member States, including the United States, however, it would be difficult to find resources to finance the Agency's activities. The United States would continue to provide support, including financial support, for the Agency's important programmes in technical cooperation and research and isotopes, but, at a time of budgetary constraints and efforts to reduce the budget deficit, the resources allocated to IAEA could not be increased as much as might be wished. His delegation would therefore insist upon caution and realism when requests were being formulated for new programmes or for an increase in resources for cooperative nuclear activities, whether within IAEA or elsewhere.

17. Mr. TITKOV (Russian Federation) said that his country remained faithful to the principle of equitable international cooperation in the peaceful uses of nuclear energy and to the provision of assistance to the developing regions of the world, without discrimination, in order to satisfy legitimate development needs, in accordance with the Treaty. The Russian Federation, like the former Soviet Union, was doing its utmost to create conditions enabling the non-nuclear-weapon States to have access to the equipment, material and information they needed in the field of nuclear energy and to reap the benefits of the peaceful uses of nuclear energy, at both the bilateral and the multilateral level, including in the framework of IAEA. Many measures in that field had been introduced during the past five years.

18. Development and the applications of nuclear energy were one of the most important and most enduring aspects of cooperation. On the basis of projects developed by the Russian Federation, 20 nuclear power stations had been constructed and were in operation in Bulgaria, Hungary, the Czech Republic, Slovakia and Finland, producing a total of 9,980 megawatts. Another four such stations were currently under construction in Slovakia, two in the Czech Republic and two in Cuba. In addition, two international cooperation agreements had been signed with Iran for the construction in that country of two nuclear power plants and for the promotion of cooperation in the peaceful uses of nuclear energy. With regard to the construction of nuclear power plants and other installations abroad, Russian organizations had provided services in many fields, including selection of sites, design, and manufacture and supply of

nuclear equipment and fuel. During the period between 1990 and 1994, nuclear fuel had been shipped to Russia for reprocessing after use in a certain type of nuclear reactor in Hungary, Finland, Ukraine and Slovakia. Furthermore, within the framework of technical cooperation carried out with the United Nations and IAEA, and in accordance with Security Council resolutions 687 (1991) and 707 (1991), nuclear fuel extracted from an experimental Iraqi reactor had been shipped to Russia for recycling. Iraq had taken all the appropriate measures regarding the work carried out in its own territory.

19. Cooperation between the Russian Federation and the developing countries had been oriented towards meeting their urgent needs. One example was seawater desalination: on the basis of IAEA recommendations, a project had been prepared for constructing a nuclear desalination plant aimed at producing drinking water by the year 2000. At IAEA meetings in Vienna and Cairo in 1994, Russia had presented an advanced plan for a floating desalination plant at greatly reduced cost which would use ships equipped with nuclear reactors. It had also developed projects for the construction of thermal power stations in countries with a severe climate. Following the Chernobyl accident, programmes for building atomic power plants in Russia and in eastern Europe had been drastically cut back in favour of research on enhanced security in the production of nuclear energy, an aspect in which Russia was conducting wide-ranging cooperation with other countries, including the members of the Commonwealth of Independent States and the Baltic countries. As a result of the collapse of the Soviet Union, a new situation had arisen, since some of the nuclear power stations were located beyond Russian frontiers, while the majority of the specialists who had been responsible for operating them had remained in Russia. Nevertheless, Russia acknowledged its responsibility with regard to those plants. Collaboration with the Commonwealth of Independent States was being conducted on the basis of the fundamental principles laid down in a multilateral agreement concluded in Minsk in June 1992 with Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Ukraine and Uzbekistan, which established the machinery for cooperation and reflected the principles of non-proliferation at the international level. Under that agreement, representatives of the competent bodies of those countries held periodic consultations to consider practical issues and the status of implementation of the agreement. As a result of those consultations, it had been decided to establish greater coordination of activities, and groups of experts had been formed in many spheres of cooperation. The participants in those meetings had requested Russia to organize ongoing, high-level courses for the training of specialists in accountability for and control of nuclear materials.

20. Despite the economic difficulties that Russia was facing, it had found funds, in the form of regular voluntary contributions, to finance assistance to the developing countries that were members of IAEA. In 1994, Russia's voluntary contributions had amounted to 3 billion roubles. Through IAEA, Russia had supplied the developing countries with electron accelerators, cyclotron systems, neutron generators and other materials and equipment. In the context of IAEA cooperation with Russian scientific research institutes and enterprises, annual courses were organized for training, including on-the-job training, apprenticeships, scientific visits and other special courses for the developing countries that were members of IAEA. Advanced courses had covered medicine,

biophysics, biochemistry and other areas; research had also been conducted on cyclotrons, practical work had been carried out on neutron accelerators and generators and the processing of nuclear waste, and courses have been given on the production of liquid nitrogen.

21. The Non-Proliferation Treaty had created a unique structure which facilitated growing cooperation in the peaceful uses of nuclear energy with an eye to the future. In the light of that structure, new opportunities constantly arose for socio-economic development in the developing countries, with which Russia was ready to continue expanding its cooperation on the basis of their specific needs and characteristics.

22. Mr. AKAO (Japan) said that the Treaty was founded on three main pillars, namely, prevention of the proliferation of nuclear weapons, the right to the peaceful uses of nuclear energy, and the pursuit of nuclear disarmament. To slight any one of those pillars would seriously jeopardize the credibility of the entire regime. The non-proliferation regime, far from restricting exchanges among the States parties in the peaceful uses of nuclear energy, served as an international framework to facilitate cooperation not only among industrialized countries but also with developing countries. Japan, as one of the most advanced countries in that area, was determined to do its best to extend such cooperation and promote the peaceful uses of nuclear energy, while, at the same time, ensuring non-proliferation of nuclear weapons. In that respect, Japan greatly appreciated and supported the important role played by IAEA in pursuing the objectives of both non-proliferation and the peaceful uses of nuclear energy.

23. Nuclear power was, and should continue to be, one of the major sources of energy, in addition to fossil fuels and hydroelectric power, and its utilization - which should go hand in hand with assurances of non-proliferation and safety - played and would continue to play an important role in economic and social development. In particular, nuclear power contributed to efforts to combat global warming by minimizing the emission of carbon dioxide. It was the view of Japan that each country's decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its respective fuel-cycle policies, and any programme in that sphere should be carried out in accordance with the principle of not holding surplus plutonium and observing as much transparency as possible.

24. IAEA had been playing a significant role in international cooperation in the peaceful uses of nuclear energy, with due consideration for the needs of the developing countries. Japan had actively supported multilateral cooperation through IAEA, and had steadily increased its financial contribution. Japan played a central role in technical cooperation with developing countries in Asia and the Pacific through the Regional Cooperative Agreement on Research, Development and Training Related to Nuclear Science and Technology in Asia and the Pacific. The programmes under that Agreement had been very successful. Regional cooperation schemes had also been established in Africa and in Latin America and the Caribbean which should benefit the countries in those regions. Japan hoped that the new model-project concept introduced by IAEA in 1994 would improve significantly the effectiveness and efficiency of technical cooperation activities and increase the benefit for recipient countries. Japan had carried

out various bilateral cooperation programmes for the exchange of technical experts and information. It would continue its technical cooperation activities, taking into account the financial situation, technical capability and needs of recipient countries. His delegation would make available a document on Japan's cooperation efforts, both multilateral and bilateral, in the field of the peaceful application of nuclear energy.

25. Responsibility for nuclear safety lay with each individual country, but international cooperation was essential to achieve and maintain a high level of nuclear safety, since an accident at any nuclear power plant had a global negative effect. It was therefore of great significance that the convention on nuclear safety had been signed by 56 Governments, including that of Japan, since it had been opened for signature in September 1994. Japan strongly hoped that the Convention would enter into force as soon as possible and that as many countries as possible would participate in it. With respect to radioactive waste management, Japan recognized the increasing importance of all aspects of the issue and endorsed the preparations for the convention on the safety of radioactive waste management. Japan shared the great concern over recent reports of illicit trafficking in nuclear materials and felt that there was a need for strengthened international cooperation in that area. In that regard his delegation appreciated the efforts of IAEA to strengthen physical protection, to support the establishment of the State system of accounting and control in the countries concerned, and to establish a database of non-sensitive information within the Agency.

26. Regarding the export of nuclear-related equipment, materials and technology to non-nuclear-weapon States, the Government of Japan strictly controlled export licences for such items and technology, issuing them only when the recipient country adhered to the Non-Proliferation Treaty, or an equivalent treaty, and accepted all IAEA safeguards, a policy which also applied to bilateral cooperation. Other countries should take similarly strict measures. Japan recognized and supported the mechanism of the Zangger Committee and the Nuclear Suppliers Group, since both strengthened the non-proliferation regime established by the Treaty. Japan also recognized the importance of the new IAEA reporting scheme on international nuclear transactions, introduced by decision of the Board of Governors in June 1993. All those measures would contribute greatly to preventing the spread of nuclear weapons and would encourage States that were not yet parties to the Treaty to accede to it.

27. Mrs. CZOCH (Hungary) said that Hungary had been among the first States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and that it considered it a fundamental multilateral instrument for the promotion of the peaceful uses of nuclear energy. During the 25 years of operation of the Treaty, Hungary had developed significant nuclear generating capacity, which it used for the benefit of its people. Hungary also shared its knowledge and professional experience with other countries. Compliance with the obligations assumed under the Treaty not only served the country's fundamental national security interests, but also opened the door to international cooperation and facilitated access to nuclear technology, equipment and material, as well as the exchange of experience with other countries.

28. Hungary commended IAEA on its technical assistance and cooperation programme, which had played an outstanding role in the nuclear development of Hungary, and whose importance for developing countries could not be overestimated. Further, he welcomed the recent introduction of the model project concept as a way to improve the efficiency and the socio-economic impact of the programme on the end-users of nuclear technology. The programme, which had greatly benefited the nuclear industry and scientific community within Hungary, had also served as a clearing-house for the transfer of knowledge and technology to other countries. For example, in 1994, Hungarian institutes working in the nuclear field had accepted 48 fellows and had organized training courses for 19 experts from 22 developing countries.

29. The nuclear-related export-import licence mechanism was a useful and indispensable tool in creating an environment of confidence and a secure framework for legitimate trade to foster the peaceful uses of nuclear energy.

30. The final document of the Conference should contain a strong reaffirmation of the importance of international cooperation in nuclear energy, particularly among parties to the Treaty and with special emphasis on the needs and priorities of developing countries, and should reflect a clear determination to promote such cooperation at the multilateral and bilateral levels. It should also reflect the progress made in the field of nuclear safety, including the elaboration and adoption of the convention on nuclear safety, as well as the need to strengthen the legal bases of such areas as nuclear waste management and nuclear liability, which were of great importance with regard to the wider application and transfer of nuclear technology for peaceful purposes. Thus the final document would duly reflect the importance of the peaceful uses of nuclear energy and the outstanding role of the Treaty on the Non-Proliferation of Nuclear Weapons in that regard.

31. Mr. SCHMIDT (Austria) said that Austria had renounced the use of nuclear energy for the generation of electricity since its population was not willing to accept the risks inherent in the technology, as a result of which Austria was not involved in cooperation in that field, which did not exclude its having an interest in the safety of nuclear power stations or cooperation with IAEA and the European Atomic Energy Community (EURATOM). Further, article IV did not require cooperation in specific areas of application of nuclear energy, or provide a blank cheque for the activities of neighbouring countries when the security and health of the population were at stake. Austria was cooperating in the IAEA technical cooperation programme in areas not related to the generation of electricity, and over the past 10 years had participated in 62 different activities, such as the financing of 200 fellows from 62 developing countries for training in radiation protection, nuclear medicine, agriculture, basic physics, radiochemistry and other areas, the provision of funds for special multi-year programmes in agriculture in Africa and Asia, and the sending of scientists to give training courses in developing countries.

32. The opinion was often heard that the industrialized countries that were parties to the Treaty displayed little will to cooperate in assistance and technical cooperation programmes, and that export controls in accordance with Article III.2 hampered development. Austria did not share those views, which was not surprising since it had been a member of the Zangger Committee since

1971 and had been a member of the Nuclear Suppliers Group since 1992. Nevertheless such talk of impediments to development and the complaint that export controls were the main such impediment should be taken seriously, perhaps in a forum to be established after the Conference. Impediments existed to the development of the non-nuclear-weapon States parties to the Treaty, caused by national realities and policies and the lack of educational infrastructure, a lack of an adequate national electricity supply grid or appropriate energy systems, and, in some cases, public rejection of nuclear technology. All those impediments should be listed as an input to any new forum so that they could be analysed and efforts made to devise proposals or programmes that would help to eliminate them. That idea could be discussed in the framework of Main Committee III, which would help article IV to assume its appropriate role in the future of the Treaty.

33. The Conference had two tasks before it: to review the implementation of the Treaty and to determine whether it should be extended. Thorough review of implementation of the Treaty would provide a basis for a decision on extension, and would shape and facilitate such a decision.

The meeting rose at 11.45 a.m.

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/MC.III/SR.2
8 May 1995
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MAIN COMMITTEE III

SUMMARY RECORD OF THE 2nd MEETING

Held at United Nations Headquarters, New York,
on Monday, 24 April 1995, at 10 a.m.

Chairman: Mr. RAMAKER (Netherlands)

CONTENTS

EXCHANGE OF VIEWS (continued)

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95-80796 (E)

The meeting was called to order at 10.20 a.m.

EXCHANGE OF VIEWS (continued)

1. Mr. BARRETTO (Director, Division of Technical Cooperation Programmes, International Atomic Energy Agency (IAEA)) said that IAEA mechanisms for the transfer of technology consisted of its regular programme (activities relating to standards, codes of practice, guides, seminars, research contracts and laboratories, together with information exchange through a multitude of meetings, symposia and publications disseminated to member States) and the technical cooperation programme. In 1994, the latter programme had assisted 88 countries, maintained 1,192 ongoing projects, provided the services of 3,205 experts, trained 2,785 persons and supplied equipment and material (3,484 requests). The total value of the programme had increased in that year to more than $53 million, the bulk of it financed from voluntary contributions to the Technical Assistance and Cooperation Fund (84.8 per cent); it had also relied on extrabudgetary resources (9.3 per cent), in-kind contributions (3.3 per cent) and funds from UNDP (2.6 per cent). Since 1970, the resources for technical cooperation had increased, although in recent years the level had stabilized. In 1992, a marked decrease of resources had occurred owing to the devaluation of the currency of one of the principal programme donors. For a number of years, around 1975, a large part of the programme had been financed with UNDP funds, but towards the 1990s, the share of those funds had declined and it currently represented a mere 2 per cent. The probable explanation was that those then participating in technical cooperation had been interested in nuclear energy projects or other costly activities and through IAEA had utilized indicative planning figure funds, which were resources provided by UNDP for development; with the passage of the years, those projects had lost some of their priority in the developing countries and the funds from UNDP had accordingly decreased.

2. The technology transfer programme included the following activities: nuclear energy, nuclear fuel cycle, radioactive waste management, food and agriculture, human health, industry and earth sciences, physical and chemical sciences, radiation protection, safety of nuclear installations and direction and support. In 1994, the sectors which had received most of the resources had been food and agriculture (22.5 per cent), physical and chemical sciences (17.3 per cent) and human health (13.2 per cent). During the period 1990-1994, however, when a total of $241 million had been allocated, safety activities as a whole (radiation protection, safety of nuclear installations and radioactive waste management) had received most of the funds. In terms of regions, the distribution of resources had been relatively balanced; it was not possible to predict whether that trend would be maintained, since IAEA responded to the requests of States members from various regions. It also financed interregional activities (for example, training courses) in which all member States were eligible to take part. In terms of components, the bulk of the assistance represented equipment, services of experts, training and fellowships. The share of resources devoted to training per se was approximately equivalent to that devoted to equipment, which showed that the programme was relatively balanced from that standpoint also.

3. The requirements for participation in the technical cooperation programme were to be a member State of IAEA and to conclude an agreement with IAEA for the provision of assistance. The latter requirement was based on the revised guiding principles and general operating rules to govern the provision of technical assistance by IAEA and the revised supplementary agreement concerning the provision of technical assistance by IAEA to individual Governments, under which all technical assistance projects were subject to applicable IAEA safety standards and measures. The Government undertook to ensure that the assistance received would be used solely for peaceful applications of atomic energy. In addition, the IAEA safeguards were applied wherever necessary to technical cooperation projects. The physical protection of nuclear facilities, equipment and materials relating directly to the IAEA technical assistance was the responsibility of the recipient Government. That was an extremely important point, since all the equipment provided to member States was the property of IAEA until it was transferred, the transfer taking place after the project was terminated or in some cases midway through the project. In recent years, IAEA had been paying increased attention to physical protection, especially in view of the current traffic in nuclear material, and it had planned a major programme to prepare member States by means of training, the establishment of infrastructure and the supply of equipment to carry out their own physical protection activities.

4. A major achievement of IAEA since 1988 had been to secure the signing by almost all the recipients of technical assistance of the revised supplementary agreement. Those who had not signed were new member States, whose signing was currently being negotiated. The number of member States of IAEA which were parties to the Non-Proliferation Treaty had increased spectacularly in recent years; only very few were currently not parties to the Treaty. In providing assistance and cooperation, IAEA did not take into account whether the member State was a party or not to the Treaty when it came to resources from the Technical Assistance and Cooperation Fund; resources were allocated on the basis of requests from member States and evaluations and recommendations received from the technical divisions. With respect to extrabudgetary contributions, however, the donor countries decided whether those resources would go only to countries which were parties to the Treaty. Not all the donors imposed such a requirement; the majority did so, however, and IAEA complied with their instructions. In the research contract programme, which was financed from the regular budget, not the technical cooperation budget, the allocation of funds varied according to whether countries were parties to the Treaty or not, even though the resources in question were being provided to individuals, not Governments.

5. Various trends were observable in the technical assistance programme: needs exceeded resources, regional cooperation was expanding and concern about nuclear safety and environmental protection was increasing. Both pledges and actual contributions had been decreasing, as had the UNDP contribution, while the number of requests for projects and the size of projects had been increasing. Income had declined since 1984 and the target set by member States and endorsed by the General Conference had not been reached. Approximately 60 per cent of the projects submitted by member States were financed from the Technical Assistance and Cooperation Fund. Another 20 per cent should be financed in principle from extrabudgetary funds but in fact, owing to a lack of

funds, only 10 per cent were catered for. The financing of the remaining 20 per cent was not being recommended.

6. Within the framework of IAEA, there were three programmes to catalyse cooperation among the member States of the developing regions: the Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (RCA) (for East Asia and the Pacific region), the Regional Cooperative Agreement for the Development of Nuclear Science and Technology in Latin America (ARCAL), and the Africa Regional Cooperative Agreement for Research, Development and Training (AFRA). Those regional programmes had produced satisfactory results, especially in Africa and Asia, as was demonstrated by the rapid increase in the number of participating countries.

7. Interest in nuclear safety and environmental protection was growing as nuclear applications were no longer confined to research institutions but had spread to agriculture, industry, medicine and other fields. In order for public opinion to accept those applications, specific requirements must be met. IAEA was therefore examining the projects submitted in terms of worker safety and possible hazards to the environment.

8. With a view to the continuing promotion of nuclear energy and its applications in developing member States, IAEA was carrying out transfer of technology activities reinforced by health and safety standards; project safeguards; guidelines and codes of practice; and the relevant international conventions. IAEA had machinery to formulate policy, obviate nuclear proliferation and monitor security, including the periodic policy review seminars, the Board of Governors and the Technical Assistance and Cooperation Committee, which considered individual programmes. IAEA provided a unique instrument for promoting the peaceful uses of nuclear energy under article IV of the Treaty. There were many opportunities to expand the scope of technology transfer if the level of resources could be made to match demand. In order to improve cooperation and strengthen technology transfer, IAEA required increased cooperation from the authorities of the recipient countries and the growth of extrabudgetary contributions.

9. Mr. AKAU (Japan) said that there was a disturbing gap between technical assistance goals and the contributions of donor countries. Accordingly, an informal working group had been formed to consider the matter and to highlight how important it was that donor countries should fully honour their pledges.

10. Mr. PAPADIMITROPOULOS (Greece) asked whether the reduction in IAEA technical assistance was a reflection of a lack of resources or the assistance being given in parallel by other international organizations, such as the World Health Organization (WHO) in respect of nuclear medicine projects, and the Food and Agriculture Organization of the United Nations (FAO) in respect of agricultural projects.

11. Mr. BARRETTO (Director, Division of Technical Cooperation Programmes, International Atomic Energy Agency) said that IAEA was concerned solely with the nuclear component of programmes in countries, and, in order to avoid duplication, cooperated with other organizations such as FAO, WHO and UNEP. He

considered it positive that Japan had referred to the need for member States to achieve established goals so that the IAEA programme could be fully implemented.

12. Mr. COOK (New Zealand) said that his country, which did not possess nuclear weapons, had decided that nuclear power had no place in its economic development. Although New Zealand made use of sophisticated nuclear technology in medical, industrial and agricultural applications, it was dependent on other countries for the supply of basic resources such as isotopes, and therefore shared some common interests with developing countries in connection with the implementation of article IV, one of the central articles of the Treaty. Each country had a sovereign right to decide for itself whether or not to participate in the peaceful uses of nuclear energy. New Zealand reaffirmed its commitment to the undertaking made by all States parties to facilitate and cooperate in the transfer of nuclear technology for peaceful purposes. The non-proliferation regime provided for in the Treaty had generated the climate of confidence essential to international cooperation in that domain. One measure of the success of the Treaty was that all members, and not just the limited number of countries which had opted for large-scale nuclear-power development, could benefit from the exchange of nuclear technology. New Zealand both benefited from and contributed to such cooperation. For example, New Zealand had recently become a member of the Regional Cooperative Agreement for Asia and the Pacific (RCA), an important mechanism for sharing experience in research and development. Moreover, his Government was making a financial contribution to the joint UNDP/RCA/IAEA project to strengthen technology and support environmentally sustainable development, and would host the mid-term review meeting for the project in July. To facilitate cooperation within RCA, New Zealand had appointed national coordinators in various areas of research and hoped to collaborate with nuclear science organizations in the region in such sectors as hydrology, pollution monitoring, geothermal development and control of industrial processing. New Zealand had expertise in the use of isotopes for geothermal development. In that connection the Auckland Institute of Geothermal Studies was providing training for students around the world. New Zealand had also supplied technical experts on radioactive and stable isotope applications to a number of countries in Central America and Asia.

13. In the technical cooperation programme administered by IAEA, New Zealand had noted a move away from support for the promotion of nuclear power and an increased focus on environmental protection, sustainable development and assistance to least developed countries in terms of meeting such basic human needs as health, food security and fresh water supplies. His delegation fully supported that trend.

14. One area of critical importance in the peaceful uses of nuclear energy was the need to maintain the highest standards of safety in nuclear installations. In that regard he welcomed the conclusion of the International Convention on Nuclear Safety and urged all nuclear-power States to ratify it. Another issue of considerable concern in the countries of the South Pacific was the transport through the region of plutonium and nuclear waste. While the shipments met current safety standards, consideration should be given to measures that would complement the code for the safe carriage of radioactive material by sea of the International Atomic Energy Agency and the International Maritime Organization. He urged all countries involved in the transport of nuclear material by sea to

ensure the highest possible level of safety. He also welcomed the start of the process of negotiating an international convention on the safe management of nuclear waste; the amendment of the London Dumping Convention; and the proposal for a diplomatic conference in 1996 in respect of a convention on liability for nuclear damage.

15. New Zealand believed that article IV had been implemented satisfactorily and looked forward to cooperation that would enable more countries to benefit from nuclear technology. None of that would be possible without the climate of confidence created by the Non-Proliferation Treaty, which provided the essential framework for the transfer of technology for peaceful purposes.

16. Mr. PARFAIT (France), speaking on behalf of the European Union, noted the active participation of the Union in international cooperation for the peaceful uses of nuclear energy under optimum conditions of safety, as well as its general, sustained policy of development assistance, including technical cooperation aimed at strengthening the institutional capacity of recipient countries, particularly developing countries, at facilitating the transfer of appropriate technology to such countries, and at promoting their integration into the world economy. The European Union had always viewed itself as having particular responsibility in terms of the peaceful uses of nuclear energy, since one third of the world output of nuclear energy came from its member countries.

17. The member States of the European Union played a fundamental role in the funding of the technical assistance projects executed under IAEA auspices. The Union's total contribution, which had increased from $11.5 million in 1990 to $14.1 million in 1994, represented more than one third of the resources of the Technical Assistance and Cooperation Fund and was complemented by various extrabudgetary contributions made voluntarily by various member States for the financing of specific Agency projects. The European Union also provided basic underpinning for the successful IAEA technical cooperation programme, which gave priority to the application of nuclear technology to food, agriculture, the physical and chemical sciences and industry.

18. In bilateral terms, the member States of the European Union were cooperating in various ways with developing countries and a number of them had concluded bilateral cooperation agreements on the peaceful uses of nuclear energy. The management of radioactive waste had been the subject of particular attention in countries with nuclear power stations, especially the countries of central and eastern Europe. There had been considerable development of the application of nuclear energy in medicine, agriculture and food, and fellowships had been made available for developing countries, to which experts had also been sent. Every effort had been made to make skilled technical staff available to developing countries, in addition to which the establishment of nuclear research centres was being encouraged. The question of nuclear safety was broached in all the association agreements concluded with the countries of central and eastern Europe and funding was provided through the nuclear safety account of the European Bank for Reconstruction and Development.

19. If cooperation was not on a larger scale, it was not because of export controls but for other reasons. For example, a lack of interest on the part of some countries in the nuclear sector owing to the existence of other, more

economical, sources of energy. Export controls were an obligation for all parties under the Treaty and were enshrined in national legislation. They were based on transparent rules issued by IAEA and established by consensus among the Suppliers Group on the basis of objective criteria applicable to all, including the members of the Group. The Suppliers' regime also provided an essential guarantee that the Treaty would be respected and that cooperation in the peaceful uses of nuclear energy would take place to the benefit of the developing countries. As a result of the controls, exchanges were the norm and restrictions the exception. Only minimal exports were rejected and restrictions affected only three countries: Iraq, the Libyan Arab Jamahiriya and the Democratic People's Republic of Korea. The export controls were not secret; their aim was not to create exporters' cartels but to develop the transfer of nuclear technology with guarantees of its use for peaceful purposes. They only obstructed exchanges with countries within the international community that had placed themselves beyond the pale.

20. The basic concern was to promote cooperation for the benefit of all countries that respected their non-proliferation commitments. In that regard the indefinite and unconditional extension of the Treaty was of fundamental importance. Otherwise a lack of trust would re-emerge, the progress made in terms of cooperation would be undermined, and States which respected their commitments would be penalized. Indefinite extension would establish the trust essential to continue with such cooperation in the service of peace and development.

21. Mr. WESTDAL (Canada) said that his country was a major nuclear supplier and exporter of nuclear-related goods, from natural uranium to the CANDU nuclear-power reactor. Nuclear energy benefited the environment: carbon dioxide emissions from the electricity sector would double if the current nuclear contribution had to be generated from fossil fuels. The peaceful use of nuclear energy depended on the assurances provided by the Non-Proliferation Treaty. The Canadian public would not countenance use of nuclear energy or exports without assurances that such activities took place within an enduring non-proliferation framework. The Canadian commitment to nuclear non-proliferation was long-standing and deeply entrenched. In the past, Canada had terminated or restricted nuclear cooperation and trade with countries unwilling to make a legally binding commitment. Political, economic and technical factors conditioned such cooperation. The Non-Proliferation Treaty did not obligate every State party to cooperate with every other; bilateral cooperation remained a sovereign national decision. Canada's bilateral nuclear cooperation network was widespread and expanding. Its bilateral cooperation agreements contained a number of reciprocal provisions relating to retransfers to third parties, situations in which IAEA could not apply safeguards agreements, and physical protection. As a major nuclear supplier, Canada required full-scope safeguards as a condition of supply, and looked to the Conference to endorse that policy again.

22. IAEA offered a wide range of assistance to its members to enable them to use nuclear energy for their economic and social development. It examined the economic and environmental advantages of nuclear energy as a source of power. Its safety missions provided valuable independent advice to Governments. Canada strongly supported IAEA efforts to promote the role of nuclear power in

sustainable development, and hoped that the Conference would endorse those efforts. IAEA devoted considerable resources to the issue of nuclear safety. Canada welcomed the Convention on Nuclear Safety, and called on States which had not yet done so to sign it. The Convention complemented other work of IAEA and would benefit all States. Similarly, Canada supported the early completion of a waste-management convention.

23. Canada made a regular voluntary contribution to the IAEA Technical Assistance and Cooperation Fund, which it had maintained despite fiscal austerity, and was pleased with the improvements in the conduct of technical assistance activities, particularly those resulting from the Fund's September 1994 policy seminar. The Fund had been successful, but the Conference should be cautious in calling for massive increases in contributions at a time of financial restraint in international organizations. Canada's support for the role of IAEA was reflected in its active participation. For example, it participated in IAEA technical meetings and missions, and hosted IAEA interregional training courses. In that way, it shared information on a wide range of topics, all of which helped to fulfil the spirit and objectives of article IV.

24. Mr. SHA Zukang (China) said that his country had observed the relevant provisions of the Treaty by engaging in cooperation with developing and developed countries as well as with IAEA, and by adhering to the following principles: exports should be exclusively for peaceful purposes; they should be subject to IAEA safeguards; and they should not be retransferred to a third party without China's prior consent. In addition, China required the recipient country to take effective measures to ensure the protection of nuclear materials imported from China.

25. China actively engaged in bilateral cooperation. It had concluded governmental agreements on the peaceful uses of nuclear energy with 14 countries, and carried out fruitful cooperation, which included the import of some advanced nuclear-power technologies and equipment, and hoped to expand and enhance that cooperation. China also benefited from exchange and cooperation with IAEA in areas of nuclear-power-plant construction, nuclear safety and radiation protection, and nuclear-technology application. In doing so, China had, to the best of its capacity, contributed to the IAEA Technical Assistance and Cooperation Fund. In 1994, China had made an extra contribution of $1 million for the technical cooperation model projects of IAEA.

26. It was the inalienable right of States parties, especially the developing countries, to use nuclear energy for peaceful purposes and to carry out international cooperation in that regard. That was an important means to achieve a balance between rights and obligations under the Treaty. International cooperation was of primary importance, given that countries were at varied stages of economic, scientific and technological development and that the exploitation of nuclear energy put high demands on infrastructure, financing, technology and expertise. Hence, the promotion of international cooperation in the peaceful uses of nuclear energy, as a major objective of the Treaty, should be accorded the same importance as the other provisions.

27. The prevention of the proliferation of nuclear weapons should not impair the exercise of the legitimate right of the developing countries to the peaceful uses of nuclear energy, and should not in any way impede international cooperation in that respect. The unreasonable restrictions imposed on the transfer of nuclear technology on the pretext of preventing the proliferation of nuclear weapons should be removed, and assistance should be given to developing countries in mastering technologies for using nuclear energy for peaceful purposes.

28. IAEA had an important role to play in promoting international cooperation in the peaceful uses of nuclear energy, and that role should be further strengthened. States parties should readily make financial and technical contributions to IAEA and its programmes. China hoped that the States parties concerned would demonstrate their political will and take practical steps to strengthen international cooperation in the peaceful uses of nuclear energy with a view to the full and effective implementation of the Treaty.

29. Mr. ROSU (Romania) said that the non-proliferation regime was premised upon the right of all nations to acquire and use nuclear materials for peaceful purposes, but subject to safeguards that would prevent those materials from being diverted to nuclear-weapons programmes. The Treaty created an irreplaceable framework for expanding the peaceful uses of nuclear energy among States committed to non-proliferation. Previous review conferences had considered commercial and aid-assisted activities between States parties in the peaceful uses of nuclear energy to be relevant to article IV of the Treaty. IAEA, as the major international organization with a mandate in that area, provided a unique mechanism for the furtherance of the utilization of nuclear energy for peaceful purposes in medicine, agriculture and industry as well as power generation. In addition, its technical cooperation had been instrumental in creating in many developing countries which were parties to the Treaty a scientific infrastructure aimed at enabling them to benefit fully from the applications of nuclear technology.

30. Most States parties to the Treaty were developing countries that lacked resources for civilian nuclear programmes and for preventing clandestine nuclear-weapons programmes. The Conference should urge all States parties to declare that they would honour their commitments under article IV to provide assistance to developing countries. Furthermore, IAEA and the nuclear-weapon States should provide greater technical assistance and financial support for the safety and security of civilian nuclear facilities. The Conference should declare that no potential benefits from the peaceful applications of nuclear explosions were adequate to justify the serious proliferation risks they entailed. Romania fully supported the activity of IAEA aimed at achieving an agreement on international liability for nuclear damage. At the same time, taking into account the danger of radioactive releases, the final document of the Conference should include an appeal to all States to refrain from armed attacks against nuclear facilities.

31. The non-proliferation regime included national measures, such as export controls, which were designed to make development of nuclear weapons more difficult. States should not undercut their own security by aligning themselves with campaigns against such controls. Arrangements to control dual-use nuclear

exports contributed to the implementation of Treaty obligations and complemented the verification agreements. Furthermore, export licensing arrangements created an environment of confidence for the operation of legitimate nuclear trade. In 1992, the Nuclear Suppliers Group decided that full-scope safeguards should be a condition for supply; that had since become the norm in nuclear trade and was applied by almost all suppliers. Romania was a member of the Zangger Committee and of the Nuclear Suppliers Group, and it considered that the Conference should stress the important role played in the supply field by the export control regimes; it called for a strengthening of those regimes through the broadest possible adherence to them.

32. Romania had done major research work in various applications of nuclear technology. In the implementation of its nuclear-power programme, which was given high priority, it relied to a great extent on highly qualified foreign specialists and on international cooperation. Participation in the IAEA technical cooperation programme, which was a powerful tool for the transfer of nuclear know-how, had helped Romania strengthen its nuclear capability and promote a large number of applications in vital sectors such as industry, agriculture, medicine, environmental protection and hydrology.

33. Mr. AYATOLLAHI (Islamic Republic of Iran) said that during the negotiations on the Treaty on the Non-Proliferation of Nuclear Weapons it had been felt that a principal element of the Treaty would be to contribute to the technological development of non-nuclear-weapon States that accepted its obligations. It had been understood that non-nuclear-weapon States must have not only unrestricted but even preferential access to technology and material for the peaceful use of nuclear energy. Once the Treaty was concluded, a group of member States, including the supplier States, meeting in the Zangger Group, had drawn up a list of materials and equipment suggesting that any non-nuclear-weapon State that was not party to the Treaty and that desired to acquire any of the items on the list should be required to agree to safeguards. However, in 1977, the supplier States decided to apply export controls to all non-nuclear-weapon States, and they later added dual-use material, equipment and technology to the list of controlled and restricted items. Non-nuclear-weapon developing States opposed such measures, arguing that they eliminated the distinction between non-nuclear-weapon States that were parties to the Treaty and those that were not. Furthermore, the introduction of the term "dual use" resulted in additional limitations on the transfer of material, equipment and technology that was commonly used in predominantly peaceful areas. Accordingly, the developing countries highlighted, at all relevant conferences, the need for full implementation of article IV and for the lifting of existing restrictions on States that were parties to the Treaty.

34. The problem of the acquisition of nuclear weapons by certain countries that were not parties to the Treaty would not be resolved either by extending vertical limitations to all dual-use material and equipment or by extending horizontal limitations to include States parties to the Treaty. Ways must be found to remove all existing export control regimes and to create transparent international mechanisms with full participation of all States parties to the Treaty in the decision-making process, so as to ensure compliance with the Treaty. To that end his delegation proposed that a committee be established within the context of the Non-Proliferation Treaty. The committee would

formulate specific measures to ensure the full access of all non-nuclear-weapon States parties to the Treaty, without discrimination, to nuclear material, equipment and technology for peaceful purposes; it would find means of strengthening existing safeguards with a view to enhancing international efforts to curb the proliferation of nuclear weapons and would formulate guidelines which would replace the existing unilateral arrangements in the field of the transfer of nuclear material, equipment and technology for peaceful purposes; moreover, the Committee would be open to all States parties to the Treaty and would meet regularly; the first meeting, which might finalize the organizational and procedural questions, could be scheduled by the current Conference.

35. At the same time, discussions on the strengthening of IAEA safeguards should continue. Some suggestions for expanding existing safeguards had already been accepted and other suggestions had been made for strengthening their effectiveness. Those measures could enhance confidence if they were properly accommodated in safeguard agreements of the type outlined in document INFCIRC/153; if they could provide concrete results regarding verification of undeclared facilities within the territory or under the jurisdiction of States parties to the Treaty; and if the findings and conclusions of the strengthened IAEA safeguards system could be fully utilized to enhance international cooperation in the field of the peaceful applications of nuclear energy as stipulated in article IV.

36. Iran believed that the role of IAEA should be enhanced in a number of areas. It was essential to recognize, once again, that the Agency was the sole body responsible for verifying that States parties did comply with the Treaty. In the area of technical cooperation, IAEA had an important role to play; it could help the developing countries secure financing for nuclear-power projects to meet their basic energy requirements. In that connection, attention should be drawn to the proposal concerning the establishment of a financial assistance fund. The activities of IAEA regarding safeguards should not restrict the allocation of Agency resources to the promotion of technical cooperation.

37. Finally, he underscored the importance of prohibiting attacks on nuclear facilities. Since the Conference on Disarmament had, unfortunately, been unable to make progress in that area, the current Conference should provide new impetus for the conclusion of a legally binding international agreement to prohibit attacks on nuclear installations under IAEA safeguards.

38. Mr. PEDRAJA (Mexico) said that the Non-Proliferation Treaty sought to establish a complex and delicate network of balances, political, legal and, above all, regarding elementary justice and equity, between the aspirations of the various peoples regarding the positive utilization of nuclear energy. The current Conference provided an outstanding opportunity to move ahead with the strengthening of the non-proliferation regime, some of whose most constructive aspects were those corresponding to the application of technology for the common good, as outlined in article IV.

39. Mexico participated actively in the various IAEA forums, supporting efforts to facilitate international cooperation for the effective utilization of nuclear energy and enhancement of the efficient use of the scarce resources allocated for that purpose. In that context, he was concerned that the growing

operational needs for safeguards was resulting in a further reduction of the amounts allocated for the priority positive aims of the majority of States. The necessary enhancement of protective and security systems in nuclear installations called for effective international cooperation and would be better guaranteed to the extent that the transfer of technology between the various countries was facilitated. His Government joined in appealing for prompt signing or ratification of the Convention on Nuclear Safety; Mexico would soon be depositing its instrument of ratification thereto.

40. The question of nuclear waste management was also a matter of concern and work should shortly commence on the definition of the terms of a convention on safety in radioactive waste management which should cover the products of military installations and not be limited to reactors for civilian use. That subject was receiving increasing attention from Governments and public opinion because of the potential indiscriminate risks involved for civilian society. Given its global character, it would be appropriate to hold prior consultations among the Governments concerned, especially in cases where there were plans to dump radioactive materials in areas close to frontiers.

41. It was important to emphasize that, in addition to nuclear reactors for the production of electrical power, many economic and social development projects, particularly in the areas of public health and environmental protection, required international support which would permit not only the unrestricted transfer of technology but also a reduction in costs that would facilitate increasing access to the benefits for the greatest possible number of countries. Such uses provided many of the keys to success in the fight against extreme poverty.

42. The area of legal codification with regard to nuclear development was a broad and complex one and should be approached in a constructive and methodical manner, taking advantage of the experience and methods of work offered by IAEA. His delegation, which believed that there was a relationship of interdependency and balance between all the provisions of the Treaty, had prepared a position paper (NPT/CONF.1995/23) containing suggestions which it felt might be useful for the purposes of the Conference.

43. Mr. CHOI (Republic of Korea) said that the Treaty on the Non-Proliferation of Nuclear Weapons had provided a framework of confidence within which peaceful uses of nuclear energy could be developed, and acknowledged the crucial role which IAEA had played in promoting such uses. The Republic of Korea believed that the nuclear power programme was indispensable to sustainable development and it was prepared to participate in the promotion of international cooperation for the peaceful uses of nuclear energy, as was demonstrated by its contributions to IAEA programmes and the courses and workshops on various subjects organized with a view to sharing experience with the developing countries.

44. Public acceptance of nuclear energy was essential to the promotion of its peaceful uses, and the safety factor was central in that regard. Given the enormous potential of nuclear energy as an alternative to fossil fuels and its contribution to the reduction of CO^2 emissions, easing public anxiety about nuclear safety was a key issue. That required the application of stricter

safety standards and the effective use of the technical know-how of IAEA. It was to be hoped that international nuclear safety could be effectively enhanced by the Convention on Nuclear Safety, which established international standards for the safety of nuclear power plants.

45. Another issue of vital importance to the promotion of the peaceful uses of nuclear energy was radioactive waste management, given its implications for human health and the environment. In that regard, he welcomed the safety standards adopted by the Board of Governors of IAEA and the preparatory work which had been done by the secretariat of IAEA on the convention on the safety of radioactive waste management, which it hoped would soon be concluded.

46. With regard to the argument that export controls could impede the development of peaceful uses of nuclear energy in developing countries, he recognized that those controls had a complementary role in the attainment of the objectives of non-proliferation. The concerns of some developing countries on that issue should, however, be addressed in one way or another. In that connection, it was important that the actions of the Zangger Committee and the Nuclear Suppliers Group should remain open and transparent.

47. The Republic of Korea supported the concept of giving preference to non-nuclear-weapon States parties to the Treaty which had concluded full-scope safeguards agreements with IAEA in respect of all activities relating to the peaceful uses of nuclear energy. More specifically, countries which had advanced nuclear technology should step up cooperation with States parties to the Treaty in such areas as the transfer of key nuclear technology and the supply of fuel cycle services.

48. Discussions were under way between the United States and North Korea concerning the provision of light-water nuclear reactors to the latter under the Agreed Framework between the two countries signed in October 1994. That project would be implemented to promote the peaceful use of nuclear energy in North Korea by replacing graphite-moderated reactors with light-water nuclear reactors, on the condition that North Korea remained a party to the Non-Proliferation Treaty and complied with its undertaking under the full-scope safeguards agreement. It was to be hoped that that project would give an impetus to the strengthening of cooperation between North Korea and South Korea in the peaceful uses of nuclear energy, and would ultimately lay the foundation for the implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula.

49. Mr. TATAH (Algeria) said that nuclear technology had reached the stage of maturity throughout the world both in its development proper and in its use for the benefit of the economy and the population. Humanity could not stop its progress in the nuclear sphere and must therefore strengthen the role of IAEA in the promotion of peaceful uses of nuclear energy. The activities of IAEA relating to safeguards and control over the exclusively peaceful use of the atom must be strengthened in accordance with the objectives of non-proliferation, but not to the detriment of the Technical Assistance and Cooperation Programme of IAEA, which should remain its principal mission. There should be a balance between the activities of IAEA as a whole, particularly between those in the sphere of safeguards and those relating to technical cooperation. The Agency

should show itself receptive to the legitimate demands of the developing countries which wanted to see activities relating to technical assistance and the transfer of technology strengthened in order to promote and expand the peaceful uses of nuclear energy in the service of peace and the well-being of all peoples.

50. The cooperation of IAEA had had a positive impact on the Algerian population, society and the environment in various sectors of economic and social development such as health, agriculture, hydrology and industry. Practices relating to protection against radiation and nuclear safety, which in Algeria were considered prior to any nuclear activity, had been promoted with the help of the Agency both in the establishment of regulations and in the application of procedures. Algeria also attached great importance to the activities coordinated by IAEA in the field of radioactive waste management, food irradiation and the economic production of fresh water through nuclear desalination. In the context of the exploitation of its uranium resources, Algeria also proposed to use nuclear technology to meet its energy needs at the appropriate time when conditions made it economically viable to use such technology as opposed to other methods. Those examples showed the importance which Algeria attached to the peaceful use of the atom and the strengthening of technical cooperation. It was to be hoped that IAEA and the international community would continue to encourage cooperation through increased assistance and a genuine transfer of technology between States.

51. Mr. BAER (Switzerland) said that Switzerland depended greatly on nuclear energy and at the same time was an importer and exporter of that technology. It was therefore in favour of the extension of the Treaty, which was the only international instrument which guaranteed the inalienable right to develop research, production and the use of nuclear energy for peaceful purposes. That included the right to choose the type of nuclear fuel cycle which was best adapted to the needs and priorities of each country. The negation of that right would undermine the IAEA safeguards system, the object of which was to prevent the non-nuclear-weapon States from using nuclear energy for non-peaceful purposes. That right was offset by a duty: to guarantee at all times and in all places the physical protection of nuclear materials. There were many countries which fulfilled that obligation, as could be seen by the fact that the illegal traffic in nuclear materials had not reached the dimensions that were expected at the outset.

52. The inalienable right of developing the use of nuclear energy for peaceful purposes must be exercised with all the necessary precautions to ensure the safety of nuclear installations. Such precautions were in the interest of all States. The International Convention on Nuclear Safety was therefore a first stage in the task of establishing an international nuclear safety regime which was to be applied to all nuclear installations, whatever their nature. Switzerland would ratify the Convention as soon as possible.

53. One of the most important aspects of article IV of the Treaty was the obligation it established to facilitate the international exchange of equipment, materials and information for the peaceful uses of nuclear energy. Switzerland was fulfilling that obligation through its annual contributions to the IAEA Fund and through its participation in the financing of activities designed to improve

the safety of old reactors of the Soviet type, among other activities. Sometimes Switzerland had been accused of applying the Treaty provisions unfairly and of not recognizing the right of the parties to have free access to nuclear energy for peaceful purposes. In fact, in view of its experience, Switzerland had to adopt specific precautions; hence, it only engaged in the transfer of nuclear material when it was convinced that the non-proliferation obligations imposed by the Treaty were respected.

54. Mr. MINTY (South Africa) said that his country was committed to the non-proliferation of weapons of mass destruction. To implement that policy, South Africa had dismantled an existing nuclear-weapons programme before becoming a State party to the Treaty; it had adopted a law and established a council for controlling the use, export and transit of all dual-use equipment and technology; it had promulgated a law prohibiting both horizontal and vertical nuclear proliferation; it had played an active role in the negotiations for a nuclear-weapon-free zone in Africa; it had applied for membership in the Conference on Disarmament and the Missile Technology Control Regime; it was a signatory of the Chemical Weapons Convention; it had joined the Zangger Committee and more recently the Nuclear Suppliers Group; and, as a non-aligned country and a developing country with an advanced nuclear industry, South Africa not only encouraged a policy of non-proliferation but also considered that non-proliferation controls should not prevent the developing countries from gaining access to the advanced technologies they required for their development.

55. At the Conference the South African Foreign Minister had put forward several proposals for strengthening the NPT review process. He had made those proposals because of the failure to implement fully the disarmament provisions of the Treaty by totally eliminating the arsenals of the nuclear-weapon States; to provide the non-nuclear-weapon States with effective security assurances; and to ensure the unencumbered transfer of peaceful nuclear technology.

56. As the Minister had stated, South Africa favoured the exchange of technology for the peaceful uses of nuclear energy between the developed and developing world. South Africa was therefore participating in the IAEA's Technical Cooperation Programme and recognized the importance of the concept of sustainable development as a guiding principle for all peaceful uses of nuclear energy. At the IAEA's Board of Governor's meeting in March 1995 South Africa had supported the establishment of a Standing Advisory Group on Technical Assistance and Cooperation (SAGTAC). South Africa also believed that SAGTAC could usefully convene a meeting of all interested parties, particularly the developing countries, for a discussion of specific problem areas in the field of nuclear technology transfer. South Africa, with its extensive infrastructure, had further pledged to participate actively in the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology. South Africa would like to see greater levels of involvement on the part of the developed world in the transfer of peaceful nuclear technologies to the developing world, especially to Africa.

57. Mr. RAJA ADNAN (Malaysia) said that his country was a non-nuclear weapon State and like the vast majority of the States parties had no intention of changing that status. Malaysia, having signed a safeguard agreement, called upon all States parties which had not done so to conclude an agreement of that

kind immediately. Malaysia also urged all nuclear-weapon States parties to accept voluntarily international monitoring and verification of their nuclear material and activities for peaceful purposes. Such a step could further boost confidence among States parties to the Treaty. Although Malaysia accepted the importance of a strengthened safeguards system, it was also important that a balance be struck between promotional and regulatory activities and that included the issue of their financing.

58. Malaysia's programme of nuclear science and technology was focused on programmes and projects that were sustainable and end-user oriented, creating an impact on national socio-economic development and having an adequate infrastructure for its safe implementation. Besides the technical assistance and cooperation of the IAEA, Malaysia participated in the Regional Cooperation Agreement and in other direct bilateral technical cooperation programmes, notably of Japan and Australia. Malaysia had pledged and paid its assessed contribution in a full and timely manner. It called upon the other Member States to do likewise. He regretted that there had been a decline in financial contributions to the Fund and that some industrialized Member States had failed to make any pledges whatsoever.

59. Article IV of the Treaty spoke not of "assistance" per se but of commitment of States parties to exchange and cooperate in order to facilitate the transfer of technology. The relationship between articles III and IV was most important in providing a sound basis for international cooperation. Malaysia therefore urged that the Conference should redouble its efforts towards international nuclear trade for peaceful purposes and facilitate the transfer of technology and technical cooperation in peaceful applications among States parties.

60. Some States parties had suggested that export controls might be exercised in a discriminatory manner against some States parties and therefore would hamper their development. So far, Malaysia had had no experience of such discrimination but it was imperative that the Conference should institute a forum to address such complaints. Those issues would have implications not only on nuclear related activities but also on non-nuclear-related activities in the future. The Conference should reaffirm that the States parties had full rights to participate in the exchange of technology for peaceful uses of nuclear energy without discrimination and those in a position to do so should reaffirm their undertaking to contribute to the development of the peaceful applications of nuclear energy. Malaysia urged that the Conference should take note of the special needs of the least developed States parties.

61. Mr. LUCK (Australia) said that article IV of the Treaty established an undertaking to facilitate cooperation consistent with the basic obligations of non-proliferation set out in articles I and II and the verification and supply provisions of article III. In other words, peaceful nuclear activities and cooperation could not occur in isolation. The way in which States parties implemented the provisions of article IV must respond to the interests and concerns of Governments and peoples about the security, economic and environmental dimensions of peaceful nuclear activity. The Conference should reaffirm those basic principles as well as the principle of giving preferential treatment to States parties in the area of cooperation.

62. The Asia-Pacific region provided an example of the benefits of nuclear cooperation made possible by the Treaty at the multilateral, regional and bilateral levels, and of the way in which the Treaty had underpinned regional security and economic prosperity, facilitated nuclear cooperation and trade, contained proliferation and provided an environment of confidence and security, which were essential for countries embarking on long-term and costly investments in peaceful nuclear programmes.

63. IAEA technical assistance programmes had facilitated the access of developing countries to the benefits of nuclear technology by means that included the provision of infrastructure and the transfer of technology. Those programmes had undergone a number of changes in recent years, as IAEA was conscious of the increasing global competition for development cooperation funding and of the need for Agency programmes to remain relevant to the evolving needs of recipient countries. The introduction of the model project concept was an excellent example of the Agency's capacity to respond to the changing global environment.

64. Australia, too, was concerned with ensuring that nuclear cooperation activities continued to attract an appropriate share of available funding and was working closely with IAEA to develop a more strategic approach in that area. It therefore welcomed the statement by the Director-General of the Agency that those ideas would be incorporated in the global strategy of the Department of Technical Cooperation, and especially the emphasis he had placed on the importance of a strategic approach to such issues as women in development, poverty alleviation, and the environment and sustainable development.

65. The Conference should welcome the gains achieved in the efficiency and effectiveness of the Agency's technical cooperation programme and should seek to ensure its continued relevance to the evolving needs of member States. The special needs of the least developed countries that were parties to the Treaty should also be acknowledged. The Agency's ability to respond to the interests of member States was constrained by the failure of many of them, both developed and developing countries, to contribute fully to the Technical Assistance and Cooperation Fund. Australia believed that it had contributed its due and hoped that other countries would do likewise, since it firmly believed that IAEA should have the financial and human resources it needed to meet its objectives, a principle which the Conference should strongly endorse.

66. It had been said that technology transfers had been inadequate as a result of a conspiracy or cartel among nuclear suppliers. That was evidently not the case; such transfers were a key element of nuclear cooperation activities, and many of the countries represented on the Committee had been recipients of some form of nuclear technology. All countries, whether suppliers or recipients, wished to be assured that their cooperation would be used exclusively for peaceful purposes and that there was no risk of proliferation of nuclear weapons. To that end, they had endeavoured to meet one of their basic obligations under the Treaty by establishing export licensing arrangements, which did not constitute an impediment to cooperation but were intended to create an environment of confidence conducive to such cooperation. There were many reasons why the use of nuclear technology was not more widespread: the economic priorities and development needs of countries, the availability of less

costly alternative sources of energy, the cost of developing infrastructure to support nuclear activities, the capacity of countries' educational, scientific and industrial bases to absorb and utilize that technology, and the availability of international financing. Public perceptions were also crucial in determining levels of nuclear activity.

67. His delegation believed that the Conference should welcome the conclusion of the Convention on Nuclear Safety and should ask the diplomatic conference scheduled for early 1996 for a satisfactory international agreement aimed at the establishment of a credible civil international nuclear liability regime with adequate compensation levels. The Conference should endorse both the Agency's call for the early preparation of a waste management safety convention and its work in that field. The Conference should also call upon States to adhere to the strict application of international safety standards in the transport of nuclear material.

68. Australia, which had significant nuclear science and technology research capacities, attached importance to human resource development and offered facilities and courses for training in many areas. From 1970 to 1995 the proportion of all IAEA and UNDP trainees receiving nuclear-related training in Australia had quadrupled.

69. While the overall record in respect of compliance with article IV was a good one, there was still room for improvement. As for article V, it had long been accepted that nuclear weapons could not be distinguished from peaceful nuclear explosives. His delegation proposed that the Conference should agree that the potential benefits of the peaceful applications of nuclear explosions had not been demonstrated, that serious concerns existed with regard to the environmental consequences of such applications, and that IAEA had received no requests for services related to the peaceful applications of nuclear explosions since the entry into force of the Treaty. That was hardly surprising in the light of the experience of nuclear testing and the Chernobyl accident. Accordingly, the Conference ought to recommend to the Conference on Disarmament that it should take those factors into account in its negotiations on a comprehensive test-ban treaty. It should also note that a ban on all kinds of nuclear explosions should not be detrimental to the peaceful utilization of nuclear energy.

The meeting rose at 1.10 p.m.

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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8 May 1995
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MAIN COMMITTEE III

SUMMARY RECORD OF THE 3rd MEETING

Held at United Nations Headquarters, New York,
on Tuesday, 25 April 1995, at 10 a.m.

Chairman: Mr. RAMAKER (Netherlands)

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EXCHANGE OF VIEWS (continued)

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95-80820 (E)

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The meeting was called to order at 10.20 a.m.

EXCHANGE OF VIEWS (continued)

1. Mr. ABDEL AZIZ (Egypt) said that the provisions of articles IV and V of the Treaty had been those least applied since the Treaty's entry into force. While, on the one hand, non-nuclear-weapon States parties to the Treaty complained of the restrictions to which they were subjected, particularly by the industrialized States, which prevented them from developing the peaceful applications of nuclear energy, on the other hand there were States which, without being parties to the Treaty, had obtained privileges and assistance that had enabled them to develop nuclear programmes not subject to the full-scope safeguards of the International Atomic Energy Agency (IAEA), a practice which weakened the credibility of the Treaty.

2. Also, the activities of certain export control groups, consisting of a small number of States, contributed in some cases to the application of a double standard in the matter of exports, which restricted freedom of trade and the effectiveness of the appropriate international body contemplated in article V of the Treaty. Egypt therefore asked that the work of the control groups concerning the transfer of nuclear technology should be reviewed, so as to set up an international system requiring all the nuclear activities of any State to be subject to full-scope IAEA safeguards. In that matter there should be no discrimination between States that were parties and States that were not parties to the Treaty.

3. With regard to international technical cooperation in the peaceful uses of nuclear energy, there were great shortcomings as a result of the continual drop in pledges for IAEA activities, which showed a lack of will on the part of States that were in a position to make contributions. Another question to be considered by the Conference was the optional nature of those contributions, which entailed no obligations. It was necessary to seek another formula that would combine the optional status of contributions with continuity at a level that would permit proper planning. Account needed to be taken of the increasing technological needs of the developing countries, which made it essential to have more reliable and sustainable resources for international cooperation.

4. With regard to the unconditional extension of the Treaty, which some considered essential to ensure international cooperation in the peaceful uses of nuclear energy, Egypt believed that the manner in which article IV was applied, particularly with regard to States that were not parties to the Treaty and which enjoyed substantial privileges, justified the arguments against that type of extension. A formula should be found which would both strengthen the provisions of the non-proliferation regime, maintain the necessary balance between the legitimate interests of States parties, whether nuclear-weapon or non-nuclear-weapon States, and achieve universality for the Treaty through the accession of States which, without being parties to the Treaty, benefited from it.

5. Mr. HULSE (United Kingdom) said that it was to be hoped that the text agreed upon, although not issued, in 1990 could be taken as a starting-point for the work of the Committee, although it would need updating and streamlining.

The objective of the Conference was to review compliance with the Treaty and renew the framework for future compliance when the Treaty was extended. With regard to article IV of the Treaty, concerning the exchange and transfer of nuclear technology for peaceful purposes, he said that the United Kingdom had been at the forefront of research, production and the use of nuclear technology for peaceful purposes. The main industrial organization in that field, the British Nuclear Industry Forum, had a membership of 70 corporations whose products were available on the international market. But article IV also covered technology transfers to Governments, and the United Kingdom considered that the IAEA should be the primary conduit for that type of transfer. Accordingly it channelled most of its contributions through the Agency. In addition to its contribution to the regular budget, in 1995 the United Kingdom had contributed over 5 per cent of the total Technical Assistance and Cooperation Fund target; since 1985 it had committed up to $7.5 million in additional voluntary contributions to Fund footnote a/ projects. It had also made substantial in-kind contributions to scientific and academic activities. The United Kingdom urged all States to match its record. An issue of major concern was that many States made neither pledges nor payments to the Fund and even more remained significantly below their target figures. Since those figures were carefully adjusted to account for ability to pay, there were few reasons to justify contributions below target. Although the funds available for technical assistance and cooperation were significant, they fell far short of the target set. Therefore the first step towards securing the future development of the programme was for all States to make their contributions.

6. The final documents of the previous Review Conferences had urged preferential treatment for States parties in the disbursement of resources from the Fund. The United Kingdom supported that goal and targeted its footnote a/ contributions accordingly. Although the United Kingdom did not want to prevent technical assistance to non-parties, particularly in the area of safety, it would support an increase in the proportion of technical assistance and cooperation funds assigned to parties to the Treaty.

7. The United Kingdom welcomed the model project approach since it believed that that would lead to a more cost-effective technical cooperation programme with more funds spent on the transfer of technology and less on administration. Model projects which were closely linked to long-run national development goals would also be more relevant and sustainable. The Standing Advisory Group on Technical Assistance and Cooperation recently proposed by the Director General of IAEA should help to ensure that that was so.

8. There were, of course, some restrictions on the transfer of technology, apart from those imposed by the Treaty itself. The United Kingdom took the view that, in general, goods should be traded freely. But since almost all nuclear technology for civil uses could be used in ways which could also constitute a proliferation threat - and the intentions of some States gave cause for concern in that respect - nuclear technology had to be set in a framework which helped to prevent transfers that would constitute a breach of the obligations undertaken under article I and article III, paragraph 2, of the Treaty. At the 1990 Conference the valuable work of the Zangger Committee had been acknowledged.

9. The Nuclear Suppliers Group had also been helpful in enabling supplying countries committed to non-proliferation to exchange information, clarify what needed to be controlled and assist each other in establishing effective controls which reduced the risks while leaving trade largely unaffected. The fact that some goods were controlled did not mean that they could never be exported, only that licences were required. In reality the impact on trade and technology transfer was minimal, since less than 6 per cent of total visible exports required licences and only about 1.5 per cent of licence applications were denied each year. Indeed, there were many greater constraints, particularly in the establishment of nuclear power programmes which had nothing to do with the export control regimes: cost, infrastructure, safety and environmental concerns, for example. The United Kingdom supported the nuclear energy elements of the technical cooperation programme and believed that IAEA could and should play a significant role in helping Member States to decide whether nuclear power was a sensible option, to determine the type of plant, to strengthen the necessary infrastructure, to establish waste-handling mechanisms and to ensure safety and radiation protection frameworks. But nuclear power must compete with other sources of energy and it only needed to be decided whether it was economically beneficial to and sustainable by the user.

10. Lastly, it was worth mentioning that, despite the practical difficulties, the record for the transfer of nuclear technology from the industrial countries to many recipients had been excellent. Since 1970, some $270 million had been spent on technical cooperation, with notable benefits of various kinds to the recipients. The United Kingdom remained committed to the full implementation of article IV and wanted nuclear trade and technology transfer to continue to flourish. Non-proliferation safeguards were key to that endeavour. Accordingly the indefinite extension of the Treaty was an essential prerequisite, since anything less would jeopardize the framework of cooperation built up over the past 25 years.

11. Mr. ROLAND (Belgium) said that the indefinite and unconditional extension of the Treaty was vital to the establishment of lasting peace, without which international cooperation, exchange and trade could hardly flourish. It was also essential to the development of the civil nuclear industry and to energy and non-energy applications.

12. Belgium had signed scientific, industrial and technical cooperation agreements with a number of States, and with others it had entered into nuclear cooperation agreements. For some time it had been an active partner in international cooperation for the peaceful applications of nuclear energy and intended to continue it participation, especially for the benefit of developing countries. In the past decade Belgium had received more than 200 fellows from developing countries to whom it had provided training in various fields. With respect to energy applications, in addition to the training of technicians and administrators, cooperation covered the study of facilities, assistance with safety, planning aid and operational assistance.

13. In the non-energy sector, Belgium had made a valuable contribution to sustainable development in many countries and had helped to develop radioisotope application techniques for medical and industrial purposes, together with sterilization and food conservation techniques. It was contributing actively to

technical assistance in the area of nuclear safety, with special emphasis on the countries of central and eastern Europe and the Commonwealth of Independent States. Since 1991, Belgium had been providing ongoing assistance in the context of the PHARE and TACIS programmes of the European Union, with the active participation of Belgian agencies specialized in nuclear safety whose expertise was helpful in nuclear licensing procedures and nuclear engineering activities.

14. Within the framework of the IAEA Technical Assistance and Cooperation Fund, Belgium had contributed actively to research for the eradication of sleeping sickness and had participated in a number of IAEA expert and assistance missions and in more than 40 industrial projects in many countries not members of the Organisation for Economic Cooperation and Development. Belgium wanted to continue to support any measure that would promote cooperation without the danger of proliferation. An important step in that direction would be to ensure that the largest possible number of States complied with universally recognized standards for the transfer of nuclear equipment and material. Belgium scrupulously observed those standards, whose goal was to encourage the fullest possible international exchange in the field of peaceful applications of nuclear energy and at the same time to attain non-proliferation objectives.

15. Belgium wished to highlight its decision to participate in international cooperation and the exchange of information on radioactive waste management. It was vital that every State should have the necessary financial and strategic means to manage safely the radioactive waste for which it was responsible, but that requirement should not represent an obstacle to regional and international cooperation. That important step would facilitate the access of a large number of States to the peaceful uses of nuclear energy. Lastly, Belgium reaffirmed its support for the cause of nuclear non-proliferation and one of its corollaries, namely, technical cooperation in the nuclear sector, as established by article IV of the Treaty.

16. Mr. OSTROWSKY (Poland) said that, in Poland's view, the principles of furthering development in peaceful applications of nuclear energy under article IV of the Treaty responded to the needs of countries desiring to develop their nuclear industry. Although Poland was largely a recipient of cooperation and assistance activities, it tried to render assistance to other countries within its possibilities.

17. The framework and structure provided by the International Atomic Energy Agency (IAEA) had been and remained the decisive factor for developing cooperation in the nuclear field. The IAEA secretariat was to be commended for its effectiveness and for furthering relevant programmes tailored to the needs of recipient member States. Eight major centres in Poland were developing peaceful nuclear technologies. Those centres also took part in international exchange and cooperation. A review of Poland's assistance in the spirit of article IV revealed cooperation activities during the period 1990-1995 with over 50 countries, the majority of them developing. That focus on developing countries reflected a clear political will and the availability of relevant programmes in Polish laboratories. Scientists and experts from developed countries also had participated in training or seminars organized and supported by Polish institutions. Assistance activities had focused on training,

expertise, technology transfer, equipment transfer, research material and other services.

18. Poland had also received fellows, mostly through IAEA, which had provided funds for fellowships, while Polish institutes had provided research facilities and scientific guidance. Equipment deliveries were usually effected within the framework of IAEA contracts. In the absence of a nuclear energy programme for electricity generation in Poland, cooperation activities consisted of industrial isotope applications, radiological protection and environmental monitoring, and biotechnology and genetics. In the field of nuclear energy as applied to power generation, however, there had been some studies of the use of computer analysis and the development of codes. Polish experts had participated in evaluations of the nuclear safety of some installations carried out under the auspices of IAEA.

19. Mr. PARFAIT (France) said that his country's broad experience in the nuclear field was in three main sectors: nuclear energy; basic research in such areas as agriculture, food, environmental protection, medicine and waste management; and safety and radiation protection. It therefore had a special responsibility in international cooperation for the peaceful uses of nuclear energy. Aware of the importance of technology transfer to the success of development strategies, it was endeavouring to respond, to the extent possible, to requests for cooperation in the civil nuclear field, especially when received from developing countries parties to the Treaty. In that regard, it had adopted an active participation policy in the cooperation programmes of the international organizations concerned (principally IAEA) and had carried out cooperation programmes at the national level.

20. France provided a large share (7 per cent) of the resources of the Technical Assistance and Cooperation Fund of IAEA, which was funded by voluntary contributions from member States. In 1994, it had provided 25 per cent of the contributions of the European Union to the budget of the Fund. In 1995, it would further increase its participation, which had increased by more than 20 per cent in the past five years. It had also steadily increased its extrabudgetary contributions since 1990. At the national level, France had concluded 23 intergovernmental nuclear cooperation agreements, two thirds of them with developing countries. It had also signed technical agreements in that area with more than 20 developing countries which were parties to the Treaty. The implementation of article IV of the Treaty thus covered research and development agreements, preliminary studies for the installation of nuclear power stations, the supply of reactors for research and the generation of electricity, nuclear-waste management, the environment, nuclear safety, radiation protection, and the medical, agricultural, food, industrial or environmental applications of atomic energy. The agreements relating to research and investigation included the granting of study fellowships, the organization of visits of experts, the exchange of information and the transfer of software. France participated actively in nuclear safety cooperation programmes financed by the European Bank for Reconstruction and Development (EBRD) and the European Union and had been one of the promoters of the Convention on Nuclear Safety, which had been adopted in Vienna on 17 June 1994.

21. It was clear that international cooperation should be carried out in accordance with the obligations deriving from the Treaty, in particular

article I and article III, paragraph 2. It was important to reconcile the legitimate use of nuclear energy for peaceful purposes and the need for the non-proliferation of nuclear weapons. To attain that objective, international controls were planned. The establishment of strict international controls was of enormous importance to France since the vital interests of all States, both North and South, were at stake. That did not mean that new limitations should be imposed, especially on the developing countries. On the contrary, it was a question of responding to their needs in terms of safety and development. France wished to see the Treaty extended indefinitely since that was the only way to create the climate of confidence necessary to pursue cooperation in the service of peace and development.

22. Mr. JUSUF (Indonesia), commenting on the implementation of article IV of the Treaty, said that his country had already embarked on the use of nuclear energy and was very appreciative of the cooperation and assistance provided by IAEA well before the entry into force of the non-proliferation Treaty in 1970. Indonesia had also benefited greatly from cooperation and exchange of information with various industrialized countries and with developing countries. During the first 25 years of Indonesia's Long-term Development Plan, initiated in 1969, the National Atomic Energy Agency (BATAN) had devoted great attention to the nuclear programme, which had contributed to the development of agriculture, public health and industry.

23. With regard to technical cooperation, particular mention should be made of the very efficient Regional Cooperative Agreement for the Asia and Pacific region. Parallel to those regional agreements, efforts were being made to intensify cooperation with the Northern Hemisphere, as well as between countries of the South, in the peaceful uses of nuclear science and technology. Consequently, his delegation was very keen to enhance such cooperation with other States parties to the Treaty. Indonesia appreciated the assistance and support of those nations which had helped it to develop and bring into operation the Serpong complex for nuclear research and development, and it was ready to share the utilization of those and other facilities with other States. In all those activities, particular importance was attached to the safety aspect and, in that connection, it should be pointed out that Indonesia had signed the Convention on Nuclear Safety in 1994 and had taken progressive steps towards the establishment of an independent national regulatory agency.

24. Despite the positive developments in Indonesia's nuclear programme, there had been other, less favourable, circumstances concerning the acquisition of technical know-how in the field of the peaceful uses of nuclear science and technology. Indonesia had always stressed the necessity of ensuring the availability of resources so that the various national programmes could be pursued continuously and without interruption. However, the zero growth budget policy adopted by many international organizations, such as IAEA, had resulted in the rejection or postponement of various proposed projects. Although the annual target for voluntary contributions to fund IAEA technical assistance projects had been increasing slightly, his Government was concerned that many countries had not made pledges of voluntary contributions to the Technical Assistance and Cooperation Fund. It appeared that that matter would remain a topic for discussion by the Board of Governors of IAEA. Indonesia supported the remarks made by the Director General of IAEA on the question and fully agreed

that much more could be done if greater resources were available. Another matter of concern to his Government was the existence of export control regimes; they should be replaced by multilateral agreements, which were more acceptable to recipient countries. Such agreements would enable countries embarking on long-term nuclear programmes for peaceful purposes to consult interested supplier countries with regard to their economic development needs. His delegation welcomed the idea put forward by the Austrian delegation that the question should be considered in a special forum. It was also pleased to announce that a non-governmental organization, the Indonesian Nuclear Society (HIMNI) had recently been established with a view to supporting and promoting the peaceful uses of nuclear energy in Indonesia.

25. In conclusion, it could be stated that article IV of the Treaty had been implemented satisfactorily for a number of countries, while others had not benefited sufficiently from international cooperation to implement their programmes in the peaceful uses of nuclear energy. A number of the issues which had been mentioned required greater compliance on the part of supplier States parties with their obligations.

26. Mr. OTHMAN (Syrian Arab Republic) said that his country had been one of the first to sign the non-proliferation Treaty. It had also resolutely complied with the comprehensive safeguards agreements established by the Treaty. The IAEA safeguards regime adequately fulfilled the purposes for which it had been created and the decision of a State to acquire nuclear technological know-how did not necessarily mean that it would seek to use such technology for non-peaceful purposes. If it was generally accepted, that interpretation would help to widen still further the gap between the nuclear-weapon and the non-nuclear-weapon countries with regard to know-how about the peaceful uses of nuclear energy and the utilization of nuclear materials and radioisotopes.

27. The Syrian Arab Republic participated actively in the various activities of IAEA and every year sponsored training seminars organized by IAEA at the regional level. It also benefited from the IAEA programme of technical assistance for developing countries. In that connection, it hoped that the volume of that assistance would increase so that it could improve its capacity in the peaceful uses of atomic energy. The Syrian Arab Republic continued to support the activities of IAEA relating to the safeguards regime and the control of nuclear materials. IAEA played a very effective role in providing assistance to experts in the developing countries and offered training not only in nuclear energy but also in nuclear safety, radiation protection and the various peaceful uses of radioisotopes.

28. The new restrictions which might be imposed on the exchange of nuclear technology and radioactive materials between States would prevent the developing countries from acquiring the knowledge, materials and installations necessary for scientific research. Those restrictions would contradict the provisions of article IV.2 of the Treaty which called upon all the States parties to facilitate the exchange of equipment, materials and scientific and technological information necessary for the peaceful use of nuclear energy. Such restrictions should be confined to technologies directly and specifically related to the production of nuclear weapons. They should not include dual-use equipment and materials because it was not so easy to use them for military purposes. It was

wrong to prevent certain States of the Middle East from acquiring nuclear equipment and knowledge resulting from research into the peaceful uses of nuclear energy or to prevent the utilization of powerful reactors, if the other States of the region were allowed to do so. It was unacceptable to apply a double standard to the region. It was hard to understand how Israel was allowed to acquire advanced nuclear technology and to be able to export it while the other States of the region were forbidden to acquire equipment and materials to carry out research in the fields of medicine, agriculture and science. Syria had signed the Convention on the early notification of nuclear accidents and the International Convention on Nuclear Safety and at an appropriate time would sign the agreement on radioactive wastes.

29. The delegation of Syria reiterated that the Treaty's success would depend on the achievement of broad nuclear disarmament and the total cessation of nuclear tests in all forms. It also depended on the universality of the Treaty. To that end, from the rostrum of the United Nations, Syria called upon Israel to adhere to the NPT and submit to IAEA inspections so that all the countries of the region could accept the extension of the Treaty. The attainment of that objective would create a climate of greater confidence in the region and hence would strengthen peace and security.

30. Mr. DE LA TORRE (Argentina) pointed out that the Treaty provisions under consideration by the Committee referred to the inalienable right of all the parties to develop nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II. The interpretation given to those provisions would influence the attitude of delegations: on the one hand, a competitive and contradictory interpretation would give rise, under the prohibitions in articles I and II, to the possibility that the countries possessing nuclear technology would use it in a discriminatory manner in order to withhold nuclear cooperation from certain States, contrary to the provisions of article IV; on the other hand, if those provisions were considered to be complementary, the Treaty would be considered as an international instrument allowing nuclear cooperation by providing sufficient guarantees on the peaceful nature of those activities. The difficulty of those two interpretations arose from doubts about the good faith shown in the application of the Treaty provisions by those who, in violation of it, tried to engage in activities prohibited by the Treaty and by those, under pretext of those provisions, arbitrarily withheld technical cooperation. Argentina considered that transparency and confidence were the only solutions to that dilemma.

31. It must be recognized that confidence in the safeguards system had been affected by violations of the Treaty by two of the parties; hence the attempt to restore that confidence with a safeguards system strengthened by improved transparency. Argentina supported those efforts and its present policy was based on its own experience: in the past, the failure to accept the main international instruments on non-proliferation, such as NPT, had meant that Argentina had become increasingly isolated from the technological viewpoint so that at the beginning of the 1990s there was no nuclear cooperation agreement between Argentina and the most advanced nuclear countries. In fact, such isolation brought with it backwardness and backwardness led to poverty and underdevelopment. In order to break that vicious circle, Argentina opted for transparency, by adhering to all the international instruments in the field,

including the present Treaty. The change in policy allowed renewed links of cooperation with the technologically most advanced countries. For example, Argentina had concluded important international instruments from 1992 onwards with France, Canada, the United States and Germany. Argentina was also conducting negotiations with the European Atomic Energy Commission (EURATOM) and with the Nuclear Energy Agency (NEA) of OECD and with Japan. At the same time, he wished to mention the signing of a memorandum of understanding with the United States on the transfer of strategic technology (1993) and the elimination of the provisions which restricted nuclear trade with Argentina. Such cooperation was also extended to other fields with many other European countries, such as Germany, Italy and Spain. He also drew attention to the agreement between the national space agencies of the United States and Argentina for cooperation in the civil use of outer space (1991) and the memorandum of understanding between those two agencies for the preparation of the first Argentina satellite, SAC B, which would be launched in 1995. During that process, Argentina was admitted to the Australian Group (MTCR), the Nuclear Suppliers Group and the Zangger Committee, groups with which Argentina shared the objectives of non-proliferation included in articles I and II of the Treaty.

32. Argentina, which fully supported the objectives of horizontal non-proliferation and cooperated freely with the most advanced countries in the field of nuclear technology, possessed the oldest nuclear programme in Latin America and was engaged in a vast range of cooperation in that field. At the moment, 15 per cent of its energy production came from nuclear sources; 87.6 per cent of the work on the third nuclear power station had been completed; and in 1994 heavy water production had begun, up to 99.89 per cent in the Arroyito plant, which had a production capacity of 250 tons a year. Cooperation with IAEA included scholarships, scientific visits, participation in technical meetings, technical cooperation projects covering several years of basic and applied research, supply of equipment, etc. Current projects included uranium exploration, studies of the factors limiting the useful life of nuclear power stations and medical, industrial and agricultural applications. Argentina had participated from the beginning, in the early 1980s, in the broadest nuclear cooperation programme of the region, the Regional Cooperation Agreements for the Promotion of Science and Technology in Latin America (ARCAL). In 1994, in the publications of IAEA, Argentina appeared as the fifth largest donor in the matter of experts.

33. Finally, he repeated the statement made by the Argentine delegation at the inauguration of the first seminar on the peaceful uses of nuclear energy and non-proliferation, organized by Argentina, together with Brazil and the United States, in Bariloche in 1994. He considered that the statement was still valid and summed up Argentine experience in the nuclear field: "Access to advanced technology is essential for the modernization of the country and undoubtedly requires international cooperation. The possibilities of cooperating with the most advanced countries increased in direct proportion to the degree of active commitment to non-proliferation. This is logical because the weapons of mass destruction constitute a specific and serious threat to the survival of humanity."

34. Mr. TYU (Ukraine) recalled that 26 April was the ninth anniversary of the Chernobyl disaster whose aftermath had remained with Ukraine for a long time. He informed the Committee of the measures adopted in Ukraine to strengthen security and to solve the problems of dismantling that installation. Ukraine understood the anxiety of the international community at the continued operation of the Chernobyl plant. The President of Ukraine had announced that the plant would close at the latest in the year 2000 and had given the assurance that Ukraine was doing its utmost to accelerate that process, bearing in mind how important it was to guarantee security at each stage of dismantling. With that objective, between 1986 and 1994, Ukraine had adopted numerous measures to modernize the installation, a move which had considerably strengthened its safety.

35. It should not be forgotten that Ukraine was currently carrying out far-reaching social, political and economic transformations, the system of production had been disrupted, and the country was facing an energy crisis. Consequently, Ukraine was not in a position to dismantle immediately and on its own the Chernobyl power station, since it had to create alternative sources of energy which would produce the equivalent power. At the same time, it was necessary to resolve a whole series of complex scientific and technical problems: it would have to strengthen the security of the "tomb" of the fourth reactor of the power plant without overlooking the means of protecting the environment; provide scientific and technical support for dismantling the power plant, especially if account was taken of the exceptional conditions prevailing in the Chernobyl exclusion zone; construct storage facilities for the fuel used and for the radioactive and other waste; and tackle the complex social problems arising from the closure of the power plant. It was estimated that the closure would cost Ukraine more than $4 billion, and such a colossal programme could never be implemented without the technical, scientific and financial support of the international community.

36. One of the most important tasks facing the Committee was the review of the implementation of the articles of the Treaty, especially article IV. In that regard, he said that cooperation for the development of the peaceful uses of nuclear energy was constantly being expanded, overcoming - not without difficulty - selfish national interests and, at times, the mercenary interests of certain donor countries. The world was becoming increasingly aware that stable development and progress hinged upon broad cooperation among equals. Those ideas were congruent with the objective information contained in the excellent documents of the IAEA secretariat. In that regard, Ukraine proposed that efforts should be centred on the creation of effective machinery aimed at strengthening cooperation among the States parties to the Treaty, increasing nuclear security, promoting the transfer of technology and the exchange of information on nuclear energy and the fuel cycle, and locating the technical and financial resources needed to achieve those tasks. With a view to creating a climate of confidence among suppliers and recipients, his delegation proposed the periodic publication of all statistical information relating to the granting of licences to countries which were not parties to the Treaty. In addition, periodic consultations should be held between the nuclear suppliers and recipient countries in order to consider export systems in general.

37. Ms. BEŠKER (Croatia) said that the Director General of IAEA had addressed two of the most important questions pertinent to the review and extension of the Treaty: (a) the possibility of eventually eliminating the threat of nuclear weapons and attaining international stability, and (b) the possibility of harnessing the tremendous force of the atom as a sustainable, environmentally benign source of energy for constructive purposes, and he had suggested that both those objectives were attainable. Croatia also subscribed to that view, but she wanted to emphasize that the elements of the Treaty were conditional on one another and that only in their mutuality could they underpin and reinforce the system and operation of the Treaty. Therefore, only the full cooperation of all States in the attainment of that objective would render the Treaty relevant to world stability and to further development of the applications of atomic energy for peaceful purposes for the benefit of all countries.

38. Commenting on Croatia's experience in the implementation of article IV of the Treaty and the activities of IAEA to facilitate the peaceful application of nuclear technology, she said that her country had joined the family of nations during the historic changes of the past few years. As was generally known, Croatia had been faced with enormous problems related to its territorial integrity and sovereignty, and to the half a million refugees displaced by the aggression and the war. Nevertheless, it had made every effort to fulfil its obligations as a non-nuclear-weapon State with a deep interest in strengthening the non-proliferation regime and a strong wish to cooperate fully with IAEA in the peaceful applications of atomic energy. Croatia had become party to the Treaty by virtue of succession in 1992. In June 1994, it had signed a comprehensive safeguards agreement which had taken effect on 29 January 1995. On 10 April 1995, it had signed the Convention on Nuclear Safety, which was expected to be ratified soon. Croatia was aware that the financial resources of IAEA had been fully stretched; it had therefore made an extraordinary effort to pay its arrears for 1992 and 1993, and also hoped to fulfil its pledge, despite its formidable economic and financial problems. In that context, her delegation acknowledged the performance of donor countries in facilitating access to the peaceful uses of nuclear technology by States parties to the Treaty through their voluntary contributions to the Technical Assistance and Cooperation Fund, their extrabudgetary contributions, and "assistance in kind". Croatia hoped that they would continue their financial support to IAEA as the world's principal forum for scientific and technical cooperation in the peaceful use of nuclear energy. She commended the continuing professionalism, dedication and skill of the IAEA secretariat and staff and their responsiveness to Croatia's needs and interests. She also commended the efforts and initiatives of IAEA to strengthen its main activities, particularly technical cooperation, through the development of effective programmes aimed at improving national scientific and technological capabilities, especially of developing countries and countries in transition, in the peaceful applications of nuclear energy.

39. Croatia had embarked on a new biennial cycle of technical cooperation with IAEA whose main objectives for 1995 and 1996 were: upgrading nuclear analytical services for environmental and health studies, and applications in industry; developing nuclear methods of modification and analysis of materials; modernizing infrastructure and improving the preparedness of technical staff of national regulatory and inspection bodies in the field of nuclear safety,

radiation protection and radioactive-waste management; and strengthening radiation applications in medicine.

40. Croatia had also benefited from the participation of its scientists and specialists in IAEA conferences and seminars, and had in turn contributed to IAEA activities in that field. Croatia strongly supported IAEA regional and interregional technical cooperation activities and projects. Its future technical cooperation with IAEA would continue to focus on the need to address the interest in and concern about nuclear energy, the strengthening of the radiation-protection and nuclear-safety infrastructure, radioactive-waste management, and the upgrading of radiotherapy methods and facilities in human health.

41. In closing, she expressed her delegation's strong support for the overall objectives formulated by IAEA for its medium-term activities in fulfilling the objectives of article IV of the Treaty. Croatia especially welcomed the decision of IAEA to ensure the compatibility of its technology-transfer activities with national development plans and goals, a decision which would strengthen the relevant national infrastructures. It would also induce the competent authorities and national infrastructures to focus their activities on priority areas of cooperation that would most benefit basic human needs and promote sustainable development. It also welcomed the readiness of IAEA to deal imaginatively with the challenges provoked by the diversity and complexity of nuclear technology in an "Agenda 21" world, and in the changed political and economic landscape in Central and Eastern Europe. In view of those factors, her delegation offered its strong support to the ongoing redirection of IAEA technical cooperation activities. It was convinced that they had substantially contributed and would contribute in the future to the peaceful uses of nuclear energy for the benefit of all countries.

The meeting rose at 11.55 a.m.

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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2 May 1995

ORIGINAL: ENGLISH

MAIN COMMITTEE III

SUMMARY RECORD OF THE 4th MEETING

Held at United Nations Headquarters, New York,
on Friday, 28 April 1995, at 10 a.m.

Chairman: Mr. RAMAKER (Netherlands)

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REVIEW OF WORK TO DATE

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The meeting was called to order at 10.25 a.m.

REVIEW OF WORK TO DATE

1. The CHAIRMAN reviewed the progress of the Committee's work. In its capacity as an open-ended Drafting Group, the Committee had completed its first reading of working papers 1, 2, 3 and 4. He characterized the examination of those papers as constructive and said that the Drafting Group would proceed to combine into a cohesive text the many proposals that had been put forward.

2. Mr. STOIBER (United States of America) expressed his delegation's agreement with the Chairman's positive assessment of the Committee's work. Certain questions were raised by some of the suggestions which had been offered, but the positive tenor of the debate thus far encouraged his delegation to look forward to further productive work on the document dealing with the peaceful uses of nuclear energy under the Treaty.

3. Mrs. COLL (Ireland) said that Ireland, a co-sponsor of the working papers, had opted not to use nuclear energy for power generation. Its peaceful nuclear policy strongly emphasized nuclear safety, including radiological protection and the safe management of nuclear waste. Issues of nuclear safety before the Committee were therefore of greatest concern to her delegation. Ireland's approach to the issue of nuclear safety and to the nuclear-safety programme of IAEA was based on a firm conviction that nuclear safety was a matter of legitimate international concern. Her delegation was also pleased and reassured to note that increased concern for nuclear safety had become one of the key factors shaping the activities of the IAEA in the promotion of the peaceful uses of nuclear energy.

4. Her delegation had been disappointed with the limited scope of the nuclear safety Convention opened for signature in 1994; it therefore attached considerable importance to complementing that Convention with a sound and comprehensive nuclear waste-management safety convention, as reflected in the draft language proposed in the Committee. In the adoption of decisions concerning the peaceful uses of nuclear energy, it was legitimate to expect that all countries would take account of the potential for transboundary impact and its implications for nuclear waste management and other issues related to such uses.

The meeting rose at 10.35 a.m.